CONTENTS (*continued*)

Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

Organization of work

The meeting was called to order at 10.20 a.m.

PARTICIPATION BY THE LEAGUE OF ARAB STATES

1. **The CHAIRMAN** said that the League of Arab States had applied to participate in the work of the Subcommittee as an observer. As it was the prerogative of the Committee on the Peaceful Uses of Outer Space to grant observer status, he suggested that the Subcommittee should not adopt a formal decision on the matter but that, if there was no objection, the representative of the League should attend the Subcommittee's formal meetings and, if he wished to make a statement, seek permission from the Chair.

2. *It was so decided.*

GENERAL EXCHANGE OF VIEWS (*continued*)

3. **Mr. FASAN** (International Astronautical Federation) said that his organization was a non-governmental association consisting of 123 societies, institutions and industrial companies concerned with space activities, in 39 countries. Its aims were to foster the development of astronautics for peaceful purposes, promote the dissemination of technical information, stimulate public interest in space flight and encourage astronautical research. The theme of its next Congress, to be held in October 1995, would be "Benefits for humanity of space". In cooperation with the United Nations there would be a concurrent workshop focusing on "tele-health" and environmental monitoring as two examples of space benefits for developing countries.

4. The International Astronautical Federation cooperated closely with the Committee and its subsidiary bodies. Of particular interest to the Subcommittee would be the section in the publication *Highlights in Space* on progress in international cooperation and space law. In order to promote the study and development of space law the Federation, in 1960, had created the International Institute of Space Law (IISL), which had 400 individual members from 42 countries, and it too maintained close links with the Subcommittee. The work of the latter, its parent Committee and the Scientific and Technical Subcommittee had made possible the integration of space science and technology into the legal aspects of humanity's space activities. The work of those bodies in building on the 1967 Outer Space Treaty and in elaborating other legal instruments and principles had made space law an important branch of general international law.

5. The subject of the symposium organized by the Federation on the occasion of the Subcommittee's present session, in cooperation with the Institute of Air and Space Law, had been "Technical and policy issues related to the use of the space environment". He hoped that it had been of interest to delegations. The Colloquium on the Law of Outer Space to be held by IISL in conjunction with the Federation's Congress in October 1995 would deal with a number of legal matters related to the peaceful uses of outer space. His organization remained ready to assist the Subcommittee in the development of international space law.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (*continued*) (A/AC.105/573 and A/AC.105/605; A/49/20; A/AC.105/C.2/1995/CRP.3/Rev.2)

6. **Mr. CURIA** (Argentina) said that in the previous three years the Subcommittee had made reasonable progress in dealing with the question of the definition and delimitation of outer space, bearing in mind the Russian working paper concerning the legal regime for aerospace objects tabled at the thirty-first session (A/AC.105/C.2/L.189) and the subsequent start made on drafting the questionnaire on aerospace objects at present before the Subcommittee as document A/AC.105/C.2/1995/CRP.3/Rev.2. The many aspects which the subject involved were of potential interest for all States, but further progress would be difficult without the cooperation of the space Powers. He hoped they were prepared to contribute to the Subcommittee's work; the discussions held that week in the working group dealing with the item had indicated that might be the case.

7. With regard to the use of the geostationary orbit, the Subcommittee's report on its previous session showed that a fruitful basis for progress existed in the Colombian working paper (A/AC.105/C.2/L.192). As a part of outer space the orbit was governed by the principles laid down in the 1967 Outer Space Treaty. Since it was a limited natural resource its use should be developed rationally, equitably and economically. The Subcommittee should work towards formulating a special legal regime for the orbit which embodied those ideas, and one which would complement, but not replace, the provisions adopted by ITU on the subject. The Subcommittee should also begin to tackle the question of space debris, either as part of its consideration of the geostationary orbit or as a separate topic. The discussions which had taken place in the Working Group pointed once again towards progress. He understood that the Colombian working paper was being revised and he looked forward to seeing the revised version.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2, A/AC.105/C.2/L.197; A/49/20)

8. **Mr. EL GHERNOUGUI** (Morocco) said that the international community had entered a new era which offered prospects for enhanced cooperation in the use of outer space for the benefit of all countries, with the help of scientific and technical progress and in a spirit of openness. It was time to think seriously of elaborating new rules and principles and establishing structures to govern the development of space science. It should be possible to create a balance in the application of international law to outer space and to adopt new ways and means of achieving desired aims.

9. Cooperation was necessary in the search for new forms of action which took account of the interests of all countries. It would be wrong to venture into outer space without considering first how to compensate those countries which lacked the necessary technology to benefit from space activities, in particular economically. It was only reasonable to repeat the request to the developed countries to contribute to a fund for implementing projects in developing countries which would allow the latter at least to improve their

networks for remote sensing from space, thus demonstrating that outer space was truly being utilized in the interests of all.

10. To that end, scientific and technical progress in economic, social and cultural fields should go hand in hand with the expansion of international cooperation. In the light of recent events, a new legal framework should be created on a genuinely cooperative basis. Every effort should be made to reconcile divergent national views and enable developing countries to participate in space projects and space technology. The discussions which had taken place on the legal aspects of the matter indicated to his delegation that a consensus embodying an equitable agreement was close.

11. **Mr. TELLES RIBEIRO** (Brazil) recalled that his delegation and others had submitted a working paper in 1991 (A/AC.105/C.2/L.182) that had been revised in 1993 as a consequence of the Subcommittee's debate. The sponsors were now introducing a second revised text (A/AC.105/C.2/L.182/Rev.2), taking account of the discussions during the past two sessions. The main objective pursued by the sponsors was to draft a text acceptable to all delegations, but that was a hard task. Some very basic differences still seemed to separate those who supported the text from those who opposed it.

12. The first revised version of the working paper had already represented an effort towards conciliation, and the new revision went a step further in that direction. He thanked delegations which, although opposing some of the principles defended in the paper, had taken an active part in the debate, thereby providing the sponsors with a clear idea of the major stumbling blocks. The sponsors had attempted to respond to that constructive attitude by addressing the concerns expressed by various delegations, without sacrificing the spirit of the working paper. They regretted that Argentina had withdrawn its sponsorship, but were sure that they could continue to count on the constructive participation of that delegation in the debate.

13. The working paper was directly inspired by article 1 of the 1967 Outer Space Treaty. The reference in that article to the exploration and utilization of outer space for the benefit and in the interests of all States, "irrespective of their degree of economic or scientific development", was clearly meant to address the vast majority of countries which in no way benefited from outer space activities. The sponsors were simply trying to develop a framework in which the sound principles set out in the Treaty could truly prosper: otherwise, it would remain simply another text with very little practical consequence.

14. The draft set of principles contained in the working paper sought to promote cooperation, not to hinder it. The Subcommittee, as the only United Nations body responsible for the elaboration of outer space law, should help to increase the international scope of voluntary cooperation, showing that diversity could be a source of mutual enlightenment and applying the concept of sustainable development to cooperation in outer space.

15. The latest revision of the draft set of principles made it clear that States were sovereign to decide on cooperation projects. No matter how limited such cooperation, it would have immense symbolic value to the majority of countries that still had a great deal to gain from space science and technology. That, in turn, would stimulate the development of indigenous capabilities in those countries.

16. The purpose of the text was not to dictate mandatory norms of cooperation which, besides being unrealistic, could actually destroy the necessary harmony that must prevail. What was sought, on the contrary, was flexibility, to open up channels that could reduce dependency and expand knowledge. The need of developing countries for knowledge was no greater than that of space Powers - it was, however, more basic.

17. His delegation welcomed the contribution represented by document A/AC.105/C.2/L.197, submitted by two delegations which in the past had appeared somewhat reluctant to pursue the item. Its submission attested to the importance of strengthening the legal framework for space cooperation within the mandate given to the Legal Subcommittee by the General Assembly.

18. **Mr. HECKER** (Germany), introducing the working paper on space benefits submitted by Germany and France (A/AC.105/C.2/L.197), said that it rested on two basic considerations: first, that States were free to determine all aspects of their cooperation, and second, that States would choose the most efficient and appropriate mode of cooperation so as to allocate resources efficiently. The aim of the sponsors was to sum up in the working paper the path that had been successfully followed in establishing space cooperation between French and German governmental agencies and private entities and other countries, including developing countries. The paper described the framework of tested and successful space cooperation.

19. The working paper's title, "Declaration on international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking into particular account the needs of developing countries", reflected the mandate given to the Legal Subcommittee by the General Assembly. In returning to that wording, common ground could, it was felt, be reached more easily.

20. Turning to section I, "General elements of international cooperation", he said the sponsors believed that the discussion of such cooperation must remain in conformity with the legal framework for space activities already elaborated by the Committee on the Peaceful Uses of Outer Space. The relevant legal instruments must therefore be referred to. Paragraphs 2 and 3 set out the basic principles whose application by Germany and France, with their numerous partners from developing countries, had resulted in extensive benefits for all sides. The free determination of all aspects of cooperation and the need for efficient allocation of resources had to be regarded as the basic elements of international cooperation.

21. Section II, "Modes of cooperation", elaborated those basic principles and set up two dichotomies to categorize the different modes of cooperation: governmental and non-governmental, and commercial and non-commercial. Those modes could be implemented at global, regional or bilateral levels. Decisions of States on the most effective and appropriate mode of cooperation could be made only on an ad hoc basis, after careful consideration of the most efficient way of allocating available resources. Since space cooperation must be mutually beneficial, sharing experiences and learning together would replace the idea of forced cooperation and the automatic one-way transfer of resources. Paragraph 3 of section II reflected the report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (see document (A/CONF.101/10, para. 367).

22. Turning to section III, which dealt with areas of cooperation, he said that the first paragraph listed all the fields that should be considered. It was proposed that institutions and development agencies should be urged to utilize the potential of space applications to achieve development goals. Finally, the Committee on the Peaceful Uses of Outer Space should consider introducing an enhanced exchange of information as well as a more focused discussion of items, *inter alia*, through multi-year working plans like that of the Scientific and Technical Subcommittee on space debris.

23. The concept introduced in the working paper had already been tested successfully in many fields of space activities and with many international partners. The sponsors would be gratified if it fostered progress in the debate on the agenda item.

24. **Mr. LOUET** (France) said that for many years France had engaged in intensive and diversified cooperation with many developing countries. Such cooperation had taken a wide variety of forms to ensure that it was adapted to the specific needs of recipients as well as of donors. His Government had reservations about any attempt to codify what had already been practised with flexibility for many years. It feared that, far from imparting a new impetus to cooperation, the elaboration of a rigid framework would only tend to slow it down or even paralyse it. Despite those hesitations, his Government was sensitive to the fact that many delegations wanted a comprehensive document to be drafted on the subject. That was why France had decided to submit a text jointly with the German delegation (A/AC.105/C.2/L.197).

25. In the draft declaration submitted, the context of the cooperation engaged in by the two countries was clearly outlined. The two delegations hoped to give the debate on the subject a new direction, more promising than that offered by the working paper submitted by Brazil and a number of other sponsors at the thirty-second session (A/AC.105/C.2/L.182/Rev.1). Unfortunately, the revised version (A/AC.105/C.2/L.182/Rev.2) did not seem, despite the changes made, to meet the concerns already expressed by his delegation. The form, moreover, remained unchanged, being based on principles whose adoption would only freeze cooperation rather than promoting its further development.

26. He saw neither a need for nor an advantage in attempting to codify space cooperation but, in view of the mandate given to the Subcommittee, he would not oppose a declaration describing the general framework of such cooperation. That was precisely the purpose of the proposal submitted by France and Germany. The text seemed to the authors to represent a balanced compromise between the standpoint of donors and that of recipients, between the flexibility that was required in space cooperation and the desire of the majority of delegations to provide some guidance for promoters of such cooperation.

27. He hoped delegations would keep those remarks in mind when considering the working paper.

ORGANIZATION OF WORK

28. **The CHAIRMAN** said that if, by 3 April 1995, no delegation had expressed interest in speaking in the plenary on agenda item 3, concerning nuclear power sources, that item would not be opened for consideration in the plenary during the current session.

The meeting rose at 11.30 a.m.